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5 | Attorneys for Plaintiff Sergio Giancaspro
and all others similarly situated

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

SERGIO GIANCASPRO, an individual;
CORI ERSHOWSKY, an individual;
ALEXIS GERACI, an individual; JAMERE
BOWERS, an individual; ADAKU
IBEKWE, individually and on behalf of all
others similarly situated,

Plaintiff,

VS.

18 NETWORK TRAVEL EXPERIENCES,
19 INC., a Delaware corporation;
20 STREETTEAM SOFTWARE, LLC, a
21 Delaware corporation; JUSEXPERIENCES
22 UK LIMITED, a United Kingdom
23 company; CALLUM NEGUS-FANCEY, an
individual; LIAM NEGUS-FANCEY, an
individual; JAMES ELLIS, an individual;
24 and DOES 1 through 10, inclusive

Defendants.

Case No. 2:22-cv-05745

**STIPULATION TO DISMISS
ACTION AND PERMIT
INTERVENTION IN RELATED
ACTION**

Action Filed: 8/12/2022
Trial Date: Not Set

1 Plaintiffs Sergio Giancaspro, Cori Ershowsky, Alexis Geraci, Jamere Bowers,
2 and Adaku Ibekwe (collectively, “Plaintiffs”) and Intervenor Global Growth Capital,
3 S.a.r.l. (“GGC” or “Intervenor”), by and through their undersigned counsel, stipulate
4 as follows:

5 **I. RECITALS**

6 1. This was a putative class action on behalf of former employees of
7 Defendants Network Travel Experiences, Inc., et al. (“Defendants”) for unpaid wages
8 and violation of the WARN Act.

9 2. On November 3, 2022, the Court granted Intervenor leave to assert a
10 claimed lien in the assets of certain Defendants. *See* Dkt. No. 83. On November 14,
11 2022, Intervenor filed its Intervenor Complaint. Dkt. No. 92.

12 3. On February 28, 2023, Plaintiffs voluntarily dismissed this action to
13 consolidate their claims with those being asserted in the action styled *Tayler Ulmer v.*
14 *StreetTeam Software, LLC d/b/a Pollen, et al.*, Case No. 22-cv-05662, then pending in
15 the Eastern District of New York (the “*Ulmer Action*”). Accordingly, the only matter
16 remaining before the Court is the Intervenor Complaint.

17 4. On the same date, Mr. Ulmer and Plaintiffs filed a First Amended
18 Complaint in the *Ulmer Action*, adding Plaintiffs’ claims to that action.

19 5. On March 16, 2023, the court in the *Ulmer Action* transferred it to the
20 Central District of California *sua sponte*. The *Ulmer Action* was then renumbered as
21 Case No. 23-0226 and assigned to this Court as related to this action.

22 6. The *Ulmer Action* remains pending.

23 7. Counsel for Plaintiffs and Intervenor have conferred and have determined
24 that it is in the best interests of all parties to dismiss the Intervenor Complaint and for
25 Intervenor to refile it (without additional leave of the Court) in the *Ulmer Action* for
26 multiple reasons.

1 8. Under Ninth Circuit precedent, there is a question as to whether the Court
2 retains subject matter jurisdiction over the Intervenor Complaint after the main action
3 was dismissed. *See Benavidez v. Eu*, 34 F.3d 825, 830-31 (9th Cir. 1994).

4 9. Further, having Plaintiffs proceed in one action while the Intervenor
5 Complaint remains pending in a technically separate action creates logistical
6 complications and complications in filing and service. Dismissing and refileing the
7 Intervenor Complaint (without further leave of the Court pursuant to Fed. R. Civ. P.
8 24(a)(2)) in the *Ulmer* Action will allow this action to be formally closed; will
9 eliminate the needless complexity of having two actions pending; and will conserve
10 judicial resources.

11 **II. STIPULATION**

12 Based on the foregoing, Plaintiffs and Intervenor stipulate as follows:

13 1. That the Intervenor Complaint be voluntarily dismissed, without
14 prejudice, pursuant to Fed. R. Civ. P. 41 and that this action be administratively closed
15 in its entirety;

16 2. That notwithstanding Fed. R. Civ. P. 54(d)(1) and related Ninth Circuit
17 precedent, neither party shall be classified as a “prevailing party” of Fed. R. Civ. P.
18 54(d);

19 3. That Intervenor be permitted to file its Intervenor Complaint in the *Ulmer*
20 Action without further leave of the Court pursuant to Fed. R. Civ. P. 24(a)(2); and

21 4. That Plaintiffs agree to acceptance of service (through counsel) of the
22 Intervenor Complaint to be filed in the *Ulmer* Action.

23 **SO STIPULATED.**

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1 Dated: June 14, 2023

Respectfully submitted,

2 s/ Damion Robinson

3 Damion D. D. Robinson

4 DIAMOND McCARTHY LLP

5 *Attorneys for Plaintiffs Sergio
Giancaspro, Cori Ershowsky, Alexis
Geraci, Jamere Bowers, and Adaku
Ibekwe and all others similarly situated*

6 s/ Emil Khatchatourian

7 Emil Khatchatourian

8 FOLEY & LARDNER LLP

9 *Attorneys for Intervenor Global Growth
10 Capital, S.a.r.l*

11 **LOCAL RULE 5-4.3.4 ATTESTATION**

12 I, the undersigned, attest pursuant to Local Civil Rule 5-4.3.4(a)(2)(i) that all
13 other signatories listed above, and on whose behalf this filing is submitted, concur in
14 the filing's contents and have authorized the filing.

15 Dated: June 14, 2023

s/ Damion Robinson

16 Damion Robinson

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, certify that I electronically filed this document using the
3 Court's CM/ECF system. I am informed and believe that filing through the CM/ECF
4 system results in electronic notice to all parties who have appeared in this action.

5 Dated: June 14, 2023

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7 Damion Robinson

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